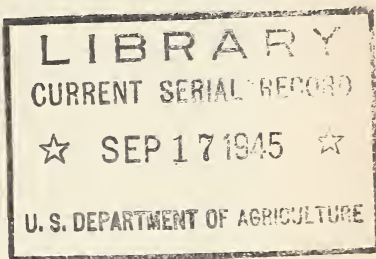


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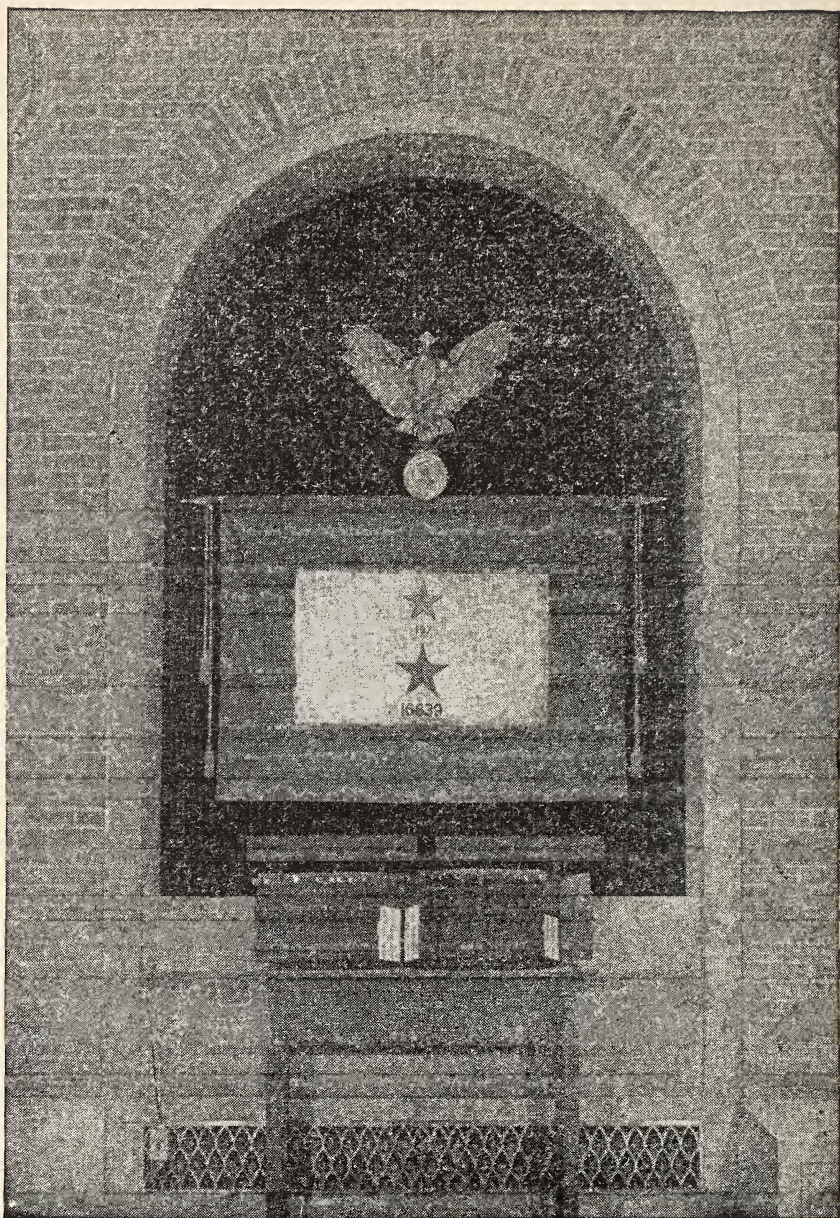
WHAT TO DO



When
the VETERANS return
to their JOBS in the
DEPARTMENT of
AGRICULTURE

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF PERSONNEL
Administrative Series No. 4
June 1945





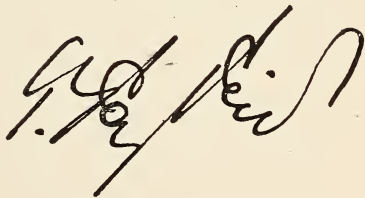
**As of May 1, 1945 16,639 Department of Agriculture employees
were serving in the armed forces or the merchant marine.**

FOREWORD

The questions and answers given in this manual are made available for the purpose of interpreting the Department of Agriculture's policy on reemployment of veterans and for acquainting supervisors and persons responsible for reemployment of veterans with the rights of the veterans and the obligations of the Department for their reemployment. They are not all-inclusive, and there may be changes in legislation, procedure, and interpretations not known to us now. It is our sincere hope that this manual will be of value to supervisors and veterans alike.

It is not expected that officials of the Department of Agriculture should answer questions about the rights of veterans which come wholly under the jurisdiction of the Veterans' Administration, the Civil Service Commission, or any other agency which is responsible for veterans' programs. They should, however, be in a position to intelligently advise the veteran where to go to get the information he desires. Many questions have not been answered. Some cannot be anticipated. Some will involve personal factors which conform to no established pattern and require special interpretation.

To avoid the possibility of giving the veterans the "run around" in referring them to other agencies, local sources and types of information and the service each can furnish should be ascertained. An agency reference list showing agencies now in operation or being established is included in this manual.

A handwritten signature in dark ink, appearing to read "H. G. Smith", is written over a horizontal line.

Director of Personnel

WHAT TO DO WHEN THE VETERANS RETURN TO THEIR JOBS IN THE DEPARTMENT OF AGRICULTURE

Prepared by the Office of Personnel

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POLICY ON REEMPLOYMENT OF VETERANS¹

Each agency of the Department should make immediately a survey of its employees in the armed forces so that an accurate picture may be available of the reemployment problem involved. This survey should include the bringing up to date of qualification records of employees and the establishment of status as classified (competitive) civil-service employees. The records thus established should be kept current.

In addition to meeting the legal requirement that a veteran shall be restored to the same position or one of like seniority, status, and pay, it is the policy of the Department to restore the veteran to any position of higher grade and salary for which he is qualified and to which he would have been promoted if he had not entered the military service, or to which he can be promoted upon restoration. Consideration should be given wherever possible to new skills, increased maturity of judgment, and personality development and new leadership experience acquired by the veteran while in the armed services.

It is the policy of the Department to apply liberally in the interest of veterans the benefits available to them under the laws and regulations prescribing such benefits. The reemployment of veterans and men who served in the merchant marine shall be the primary consideration of the Department and shall take precedence in all instances over the reemployment of civilians.

Reemployment of career-service veterans and men who served in the merchant marine is mandatory even though it is necessary to separate career-service employees; however, within the limits of established reduction-in-force procedure, no career-service employee will be separated or reduced in rank while transitory and temporary employees are retained in positions which the career-service employee is qualified to fill. Veterans who had war service appointments are entitled to reemployment, but their tenure on restoration is limited to that which they had upon entering the military service.

Employees of the Department of Agriculture, now serving in the armed forces, who may apply for and secure discharge from the armed forces with the understanding that after discharge they will become engaged in essential activities, should upon application for

¹ General Departmental Cir. 53, Oct. 9, 1944.

reemployment in the Department of Agriculture be restored to duty since all Government work is classified as essential activity.

Any employee who received a promotion in grade as a civilian while serving in the armed forces or the merchant marine must be restored to the position to which promoted or to a position of like seniority, status, and pay.

In the reemployment of veterans and men who served in the merchant marine, the Department recognizes its moral obligation to provide employment for men and women who may not be physically able to perform the duties of the position they left. A positive showing that the person is not qualified for any position in the Department will be required. For example, the forest ranger who has lost a leg is not physically qualified for reemployment as a forest ranger, but his reemployment in some other position for which he is qualified, such as dispatcher, should be effected.

Each agency of the Department should establish a counseling program for veterans by designating officials who are competent for that work to give general advice and encouragement to veterans in the interest of their own welfare. For example, veterans should be advised to apply for leave without pay in lieu of active duty for the purpose of physical or mental rehabilitation; to avail themselves of educational opportunities, with the assurance that their reemployment rights will be protected to the extent permitted by law and regulations; and to accept positions other than their former positions if their physical or mental condition suggests that they cannot or should not be performing the duties of their former positions. Extreme care should be exercised in the placement of disabled employees to be sure that they can capably perform their duties and that they will not be doing work which is hazardous to themselves or others.

Special plans for in-service training should be prepared to insure that the veteran will be properly placed and reoriented in a position and that he will receive needed training on the job to get him into full and satisfactory production as early as possible; and also to prepare veterans for assignment to new positions other than those which they left, so that they may be brought nearer that status which they might have reached had they not gone into the armed services. Any returning veteran who has been restored shall be granted leave without pay, to the maximum extent permissible under the regulations, to take training or hospitalization which is available to him.

In dealing with returning veterans through correspondence or by personal interview, any evidence of charity must be avoided. The veteran should be made to feel that he is welcome and has an important job to do and a contribution to make when he gets back.

The Department has gone on record as stating that employees who are prevented from rendering satisfactory service by physical

or mental disability will be recommended for retirement and that it will encourage retirement of its older employees at a time advantageous both to the employee and to the Department. Particular attention should be given at this time to the Department's policy on retirement, and an examination made of employees' records of performance and service to explore the possibilities of making room for returning veterans by this means.

Responsibility for reemployment of veterans rests upon agencies of the Department in the following order:

1. The division of the bureau in which the veteran was last employed.
2. The bureau in which the veteran was last employed.
3. The administration in which the veteran was last employed.
4. The Department of Agriculture.

No agency in a higher level will assume that responsibility until convinced that the agency in the lower level has exhausted its resources and is in fact unable to reemploy the veteran.

Each agency of the Department operating on a decentralized basis, including bureaus and administrations, which finds it impossible to meet its reemployment obligations in any area will establish a focal point to which will be referred the names of veterans who cannot be reemployed at a particular field station, region, area, or bureau, and shall see to it that the veteran is reemployed elsewhere in the agency.

No agency may employ people from outside the Department until veterans to whom the Department owes reemployment and who are qualified to fill the positions available have been restored to duty.

The Director of Personnel and his designated representative or representatives are authorized to take or require bureaus and offices to take such action as may be necessary to insure compliance with this policy.



PERSONS ENTITLED TO VETERANS' PREFERENCE

Public Law 359—78th Congress, approved June 27, 1944, section 2, states (*italic supplied*) :

“ . . . preference shall be given to (1) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions; and (4) *those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.*”

For the purpose of determining preference see charts as follows:

The branches of the armed forces of the United States, page 7.

The separation forms recognized as honorable discharges, page 10.

The campaigns, wars, and expeditions, for which a campaign badge or service medal has been authorized, page 14.

EMPLOYEES ENTITLED TO RESTORATION IN THE DEPARTMENT

Employees meeting the following eligibility requirements are entitled to mandatory restoration in the Department of Agriculture.

1. Employees who have entered the armed forces from a position other than temporary.—A permanent position is any position (either civil-service or non-civil-service), other than war service, of more than 1 year in tenure. A temporary position is a war service position or a position of 1 year or less in tenure.

Employees who left a permanent position for service in the armed forces, by one of the following procedures, are entitled to military reemployment rights:

- a. By military furlough from the Department.
- b. By separation for military service from the Department.
- c. By furlough or separation to enter the armed forces from a position in another Federal agency to which transfer from the Department of Agriculture had been effected with reemployment benefits.
- d. By furlough or separation to enter the armed forces from a position in a private or public enterprise to which transfer from the Department of Agriculture had been effected with reemployment benefits.

Under procedures c and d above, such employees have military reemployment rights to the position in the Department from which they were transferred as well as to the position to which they were transferred. The veteran has the option of applying for restoration to either of these positions.

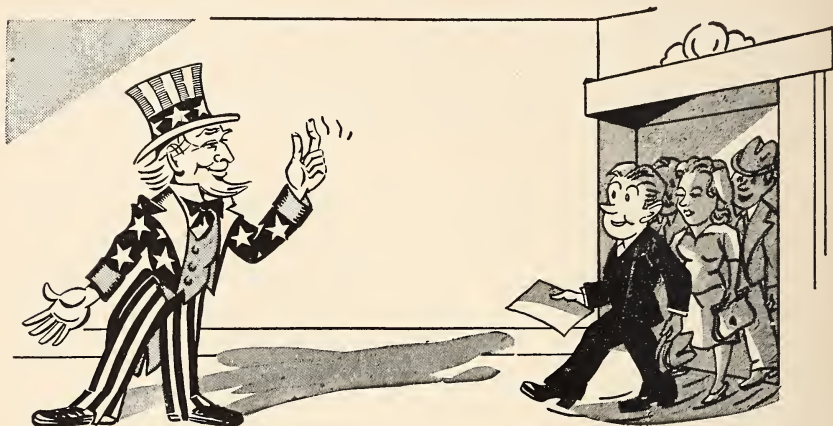
2. Employees who entered (either by enlistment or induction) the armed forces of the United States, including the merchant marine, after May 1, 1940, unless entitled to mandatory restoration under the Act of August 27, 1940, as amended, and employees who were commissioned as officers in the United States Public Health Service on or after November 11, 1943.—The Act of August 27, 1940, as amended, provides mandatory restoration for members of the Officers' Reserve Corps who, prior to May 1, 1940, were ordered to duty without regard to their personal desires.

3. Employees who have been honorably discharged from the armed forces of the United States.—(See p. 10.)

4. Employees who make application for reemployment within 90 days after date of discharge, or within 90 days after completion

of hospitalization, or within 40 days after date of discharge after service in the merchant marine.—Hospitalization is not to be in excess of 1 year after date of discharge and employees must make application within 90 days after completion of hospitalization.

5. Employees must still be qualified to perform the duties of their former positions.



Branches of the Armed Forces of the United States, Service in Which Entitles Employee to Veterans' Preference and Reemployment Benefits

Branch of the Armed Forces of the United States		Entitles employee to—	
		Veterans' preference	Reemployment benefits
I. ARMY OF THE UNITED STATES, comprised of—			
A. Regular Army, including:			
1. Commissioned and enlisted personnel		Yes	Yes
2. Inductees under the Selective Training and Service Act, 1940		Yes	Yes
3. Army Nurse Corps		Yes	Yes
4. Cadets of the United States Military Academy		Yes	Yes
5. Philippine Scouts		Yes	Yes
B. Organized Reserve, including:			
1. Officers' Reserve Corps	NOTE: Members of Officers' Reserve Corps and Enlisted Reserve Corps must furnish proof that they have performed active duty for other than training purposes.	Yes	Yes
2. Enlisted Reserve Corps	NOTE: Members of Officers' Reserve Corps and Enlisted Reserve Corps must furnish proof that they have performed active duty for other than training purposes.	Yes	Yes
C. National Guard while in the service of the United States			
NOTE: The National Guard was called into Federal Service in connection with the following: Spanish-American War (including the Philippine Insurrection and the Boxer Rebellion); Mexican Border trouble; World War I; National Emergency preliminary to entry into World War II, under the Act of August 27, 1940, World War II.			
D. Philippine Army and Philippine Constabulary when mustered into the service of the United States		Yes	Yes
E. Hawaiian National Guard Members of 298th and 299th Infantry ordered into active service on or after October 15, 1940		Yes	Yes
F. Women's Army Corps (WACS)		Yes	Yes
NOTE: Service in the Women's Army Auxiliary Corps (WAACS) does not entitle an employee to veterans' preference.			
G. Female personnel of the Medical Department of the Army, including:			
1. Dietetic personnel and physical therapy personnel, exclusive of students and apprentices, appointed under the Act of December 22, 1942 (56 Stat. 1072)		Yes	Yes
2. Physicians, licensed (Act of April 16, 1943—57 Stat. 65)		Yes	Yes
3. Surgeons, licensed (Act of April 16, 1943—57 Stat. 65)		Yes	Yes

Branches of the Armed Forces of the United States, Service in Which Entitles Employee to Veterans' Preference and Reemployment Benefits

Branch of the Armed Forces of the United States		Entitles employee to—	
		Veterans' preference	Reemployment benefits
II. NAVY OF THE UNITED STATES, comprised of—			
A. Regular Navy, including:			
1. Commissioned and enlisted personnel		Yes	Yes
2. Inductees under the Selective Training and Service Act, 1940		Yes	Yes
3. Navy Nurse Corps		Yes	Yes
4. Midshipmen, U. S. Naval Academy		Yes	Yes
B. Naval Reserve, including:			
1. Fleet Reserve		Yes	Yes
2. Merchant Marine Reserve		Yes	Yes
3. Organized Reserve		Yes	Yes
4. Volunteer Reserve		Yes	Yes
5. Women's Reserve		Yes	Yes
6. Female Physicians and surgeons		Yes	Yes
C. Marine Corps, including:			
1. Regular Marine Corps, commissioned or enlisted personnel, and inductees under the Selective Training and Service Act, 1940		Yes	Yes
2. Fleet Marine Corps Reserve		Yes	Yes
3. Volunteer Marine Corps Reserve		Yes	Yes
4. Women's Reserve		Yes	Yes
III. UNITED STATES COAST GUARD, including—			
A. Commissioned and enlisted personnel		Yes	Yes
B. Inductees under Selective Training and Service Act, 1940		Yes	Yes
C. Cadets, United States Coast Guard		Yes	Yes
D. Lighthouse Service		Yes	Yes
E. Coast Guard Reserve, including:			
1. Regular Reserve		Yes	Yes
2. Temporary Reserve (full-time with military pay and allowances)		Yes	Yes

NOTE: Service in the Coast Guard Reserve (temporary) may be used as a basis for the granting of veterans' preference under the Veterans' Preference Act of 1944 only if the person on whose service the claim is based

was enrolled for active full-time duty with pay and allowances at shore stations or on Coast Guard vessels, and other conditions necessary to the granting of veterans' preference are present.

3. Women's Reserve (SPARS)

IV. UNITED STATES MARITIME SERVICE (Merchant Marine)

V. UNITED STATES PUBLIC HEALTH SERVICE

Note—Officers commissioned in the U. S. Public Health Service before or after November 11, 1943, must have been detailed for duty with the Army, Navy or Coast Guard, or must have served outside the continental limits of the United States or in Alaska in time of War to be entitled to veterans' preference. Only officers commissioned on or after November 11, 1943, regardless of where they served, are entitled to reemployment benefits.

VI. SPECIAL CLASSES—

- | | | |
|---|-----|-----|
| A. Army field clerks. | Yes | Yes |
| B. Army Transport Service officers assigned as transport quartermasters. | No | Yes |
| C. Army or navy chaplains. | Yes | Yes |
| D. Members of the Students Army Training Corps. | Yes | Yes |
| E. Contract surgeons. | Yes | Yes |
| F. Conscientious objectors inducted into appropriate branches of the land and naval forces and assigned to noncombatant units. | Yes | Yes |
| G. Army Specialists Corps. | Yes | Yes |
| H. Army nurses who served honorably under contract between April 21, 1898 and February 2, 1901, as nurses, chief overseers, or superintendents. | No | Yes |
| | Yes | Yes |

Separation Forms Issued to Members of the Armed Forces of the United States, Recognized as Honorable Discharges, Entitling Employees to Veterans' Preference and Reemployment Benefits

Form number	Color of form	Title	Entitles employee to veterans Preference and to reemployment benefits	Notes
FOR MEMBERS OF THE ARMY OF THE UNITED STATES—ISSUED TO ENLISTED PERSONNEL				
53-55	White	Enlisted record—honorable discharge	Yes	Consolidates enlisted record with discharge. Consolidates enlisted record with certificate of service. Can be accepted as proof of satisfactory service only when an honorable discharge is indicated.
53-280	White	Enlisted record—certificate of service	Yes	
53	White	Report of separation	Yes	
55	White	Honorable discharge	Yes	Furnished on application when it is shown that the individual concerned was entitled to, but was not furnished, an honorable discharge.
525-6	White	Honorable discharge	Yes	
0528	White	Honorable discharge	Yes	Used when type or nature of original discharge is changed. Issued upon transfer to inactive reserve status.
280	White	Certificate of service	Yes	
0525-7	White	Certificate of honorable discharge from the Army of the United States	Yes	
0525-6a	White	Certificate of honorable discharge from the Army of the United States	Yes	
0150-2	White	Certificate in lieu of lost or destroyed discharge certificate	Yes	
0729-1	White	Certificate in lieu of lost or destroyed discharge certificate	Yes	
FOR MEMBERS OF THE ARMY OF THE UNITED STATES—ISSUED TO OFFICER PERSONNEL				
53-97	White	Military record—honorable discharge	Yes	It can be accepted as proof of satisfactory service only when an honorable discharge is indicated.
53-98	White	Military record—certificate of service	Yes	
53	White	Report of separation	Yes	
280	White	Certificate of service	Yes	Issued to officer personnel under honorable conditions. Also issued to reserve nurses, dietitians, and physical therapists upon release from active duty.

178	White	Certificate of honorable discharge	Yes	Issued to nurses upon separation from the service, except when they are discharged for conduct prejudicial to the service.
179	White	Certificate of honorable discharge	Yes	Issued to dietitians and physical therapy aides on separation from the service, except when they are discharged for conduct prejudicial to the service.
0702-1	White	Certificate in lieu of lost or destroyed certificate.	Yes	
0150-2	White	Certificate in lieu of lost or destroyed certificate.	Yes	

FOR MEMBERS OF THE UNITED STATES NAVY—ISSUED TO ENLISTED PERSONNEL

660	White	Honorable discharge	Yes	Accepted as evidence of completion of satisfactory service only when item 15 indicates character of discharge was honorable or under honorable conditions.
661 (12-43)	White	Certificate of discharge under honorable conditions.	Yes	
553	White	Notice of separation from the U. S. Naval Service.	Yes	
663a	White	Certificate in lieu of discharge	Yes	
663b	White	Certificate in lieu of discharge	Yes	

FOR MEMBERS OF THE UNITED STATES NAVY—ISSUED TO OFFICER PERSONNEL

Letter form		Orders	Yes	Contents of orders issued since March 23, 1944, will indicate whether service was satisfactory or unsatisfactory.
338	White	Notice of separation of officers from the U. S. Naval Service.	Yes	
Letter form	White and gold	Certificate of satisfactory service.	Yes	Accepted as evidence of completion of satisfactory service when item 13 indicates the character of separation was honorable. Where the indication is under honorable conditions, additional evidence is required.
999	White	Official statement of naval service.	Yes	
		Certificate of Naval Service	Yes	Accepted as evidence of completion of satisfactory service only when so indicated.
				Issued to Naval Reserve Officers. Acceptable only when the certificate states that active service was satisfactorily completed.

Separation Forms Issued to Members of the Armed Forces of the United States, Recognized as Honorable Discharges, Entitling Employees to Veterans' Preference and Reemployment Benefits

Form number	Color of form	Title	Entitles employee to Veterans' Preference and to reemployment benefits	Notes
FOR MEMBERS OF THE UNITED STATES MARINE CORPS—ISSUED TO ENLISTED PERSONNEL				
257a-A&I	White	Honorable discharge certificate	Yes	Forms 257a and 257m are issued to enlisted personnel whose enlistments have expired, and when Good Conduct Medal is awarded.
257m-A&I	White	Honorable discharge certificate	Yes	
257-A&I	White	Honorable discharge certificate	Yes	Forms 257 and 257k are issued to enlisted personnel whose enlistments have expired, and when not awarded the Good Conduct Medal.
257k-A&I	White	Honorable discharge certificate	Yes	
258-A&I	White	Honorable discharge certificate	Yes	Issued to enlisted personnel for special reasons other than expiration of enlistment.
258a-A&I	White	Honorable discharge certificate	Yes	Issued to enlisted personnel for special reasons other than expiration of enlistment.
112-A&I	White	Certificate of satisfactory performance of duty	Yes	Issued to reserve enlisted personnel, in addition to the usual discharge form, whose service has been satisfactory.
4556-PD	White	Certificate in lieu of lost or destroyed discharge certificate	Yes	Issued to replace lost or destroyed honorable discharge certificates.
FOR MEMBERS OF THE UNITED STATES MARINE CORPS—ISSUED TO OFFICER PERSONNEL				
Letter form		Letter of Separation	Yes	Content of letter will indicate whether service was satisfactory or unsatisfactory.
112-A&I	White	Certificate of satisfactory performance of duty	Yes	Issued to reserve officer personnel in addition to letter of separation if service was satisfactory.
FOR MEMBERS OF THE UNITED STATES COAST GUARD—ISSUED TO ENLISTED PERSONNEL				
2510	White	Honorable discharge	Yes	Issued to all Coast Guard personnel (regular and reserve) upon expiration of enlistment and for physical disability not due to misconduct.

2510A-----	White-----	Certificate of discharge under honorable conditions.	Yes-----	Issued to all Coast Guard personnel (regular and reserve) for physical disability expiration of enlistment with proficiency and conduct rating deficiency, for convenience of Government or the enlistee, under-age enlistment, unsuitability, or inaptitude.
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FOR MEMBERS OF THE UNITED STATES COAST GUARD—ISSUED TO OFFICER PERSONNEL

Letter form-----	Letter of separation or transfer to inactive status.	Yes-----	Except in certain cases where relief from duty is for the officer's convenience, the content of the letter will indicate the character of the service rendered. Where such statement is omitted, veteran should be required to present a statement from the Commandant, U. S. Coast Guard, describing the character of his service.
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FOR MEMBERS OF THE UNITED STATES MARITIME SERVICE

-----	White-----	Certificate under Public Law 87-----	Only Re-employment Benefits.	Issued to seamen, including officers and crew; enrollees in U. S. Maritime Service on active duty, enrollees and students in Marine Schools or institutions, and persons awaiting assignment for service, who have entered service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, and who serve substantially continuous service therein, upon application by such persons.
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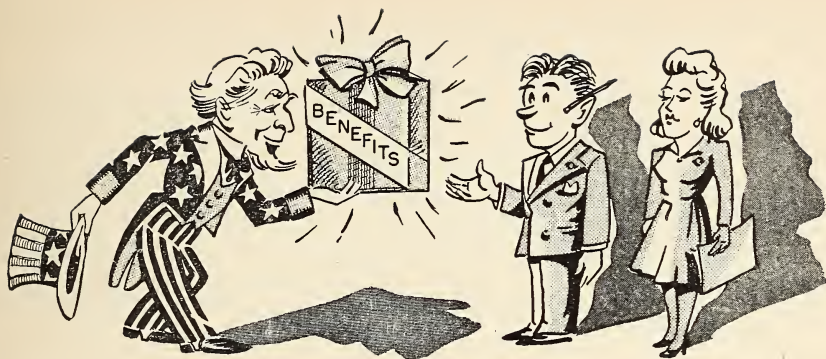
FOR MEMBERS OF THE UNITED STATES PUBLIC HEALTH SERVICE—ISSUED TO COMMISSIONED OFFICERS

Letter form-----	Letter of separation-----	Yes-----	Issued upon separation from service. In addition, for veterans' preference, statement must be obtained from United States Public Health Service to effect that service on detail to Army or Navy or outside continental United States or in Alaska was satisfactorily rendered in time of war.
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Campaigns, Wars, and Expeditions for Which a Campaign Badge (or Service Medal) Has Been Authorized

Campaign, war, or expedition	Date
Civil War.....	Apr. 15, 1861 to Aug. 20, 1866
Indian campaigns (periodical).....	Apr. 15, 1865 to Jan. —, 1891
Navy expedition.....	Apr. 15, 1874 to
Spanish-American War (including Army of Cuban Occupation).....	Apr. 21, 1898 to July 4, 1902
Army of Porto Rican Occupation.....	Aug. 14, 1898 to Dec. 10, 1898
Philippine Insurrection.....	Feb. 4, 1899 to 1913
Boxer Rebellion.....	June 20, 1900 to May 12, 1901
China Relief Expedition.....	June 20, 1900 to May 27, 1901
Cuban Pacification.....	Sept. 12, 1906 to Apr. 1, 1909
Mexican expedition (periodical).....	Apr. 12, 1911 to June 16, 1919
Nicaraguan campaign.....	July 29, 1912 to Nov. 14, 1912
Haitian campaign.....	July 9, 1915 to Dec. 6, 1915
Dominican campaign.....	May 5, 1916 to Dec. 4, 1916
World War I.....	Apr. 6, 1917 to July 2, 1921
Army of Occupation of Germany.....	Nov. 12, 1918 to July 11, 1923
Second Haitian campaign.....	Apr. 1, 1919 to June 15, 1920
Second Nicaraguan campaign.....	Aug. 27, 1926 to Jan. 2, 1933
Yangtze Service.....	Sept. 3, 1926 to Oct. 21, 1927
Yangtze Service.....	Mar. 1, 1930 to Dec. 21, 1932
China Service.....	July 7, 1937 to Sept. 7, 1939
American Defense Service ⁽¹⁾	Sept. 8, 1939 to Dec. 7, 1941
World War II.....	Dec. 7, 1941 to

¹ The award of an American Defense Service Medal does not of itself prove service in a campaign or expedition for which a campaign badge has been authorized. However, the requirement of service in a campaign or expedition is met if, in addition to the medal, the recipient is awarded a service clasp bearing the inscription "Foreign Service" (Army); "Fleet" or "Base" (Navy); or a bronze star for service outside the continental limits of the United States.



BENEFITS ACCRUING TO EMPLOYEES WHO MEET ALL CONDITIONS FOR MANDATORY RESTORATION

Employees who meet all conditions for mandatory restoration have the following benefits:

1. Restoration to former position or to one of like seniority, status, and pay.

2. Retention without discharge for 1 year after restoration, except for cause, in the position to which restored.—Reduction in force does not fall within the accepted definition of “discharge for cause.” A returning veteran who has been or is reemployed under section 8 of the Selective Training and Service Act of 1940,¹ as amended, or section 3 of the Act of August 27, 1940,² as amended, or section 2(a) of the Act of June 23, 1943,³ may not be separated because of a reduction in force within 1 year following his restoration to duty until all other employees in competition with him, except other veterans reemployed under one of those statutory authorities who are serving their first year after restoration, have been separated.

3. Within-grade promotions.—Any veteran who is restored to his former unencumbered position or a position of like seniority, status, and pay, without loss of seniority, shall be entitled to receive not less than his latest salary rate prior to entrance into active military or naval duty, plus any within-grade promotion or promotions to which he would have been eligible. Service in the armed forces or the merchant marine is not creditable toward within-grade promotions under either of the following conditions:

a. When a career employee was furloughed from an encumbered position and was restored to that encumbered position upon his return from service in the armed forces or the merchant marine. The employee begins a new waiting period for within-grade promotions on the date of restoration to the encumbered position.

b. When an employee was promoted in continuation of military furlough and was restored to that higher grade position upon his return from service in the armed forces or the merchant marine.

¹ Public Law 783, 76th Congress, ch. 720, 3d sess. (Senate 4164), Sept. 16, 1940.

² Public Resolution 96, 76th Congress, 3d sess. 54 Stat., p. 858, Aug. 27, 1940.

³ Public Law 87, 78th Congress, ch. 142, 1st sess. (H. R. 131), June 23, 1943.

The employee begins a new waiting period for within-grade promotions on the date of restoration to the higher grade position.

4. *Recredit of unused annual or sick leave.*—When a former employee is restored to his civilian position, or to a position of like seniority, status, and pay, he is restored to the same leave status as he had when he left his civilian position to enter the active military service. He should be restored all the sick-leave credit which he had when he entered the armed forces and so much of his annual-leave credit as had not been liquidated by payment; if a charge for overdrawn annual or sick leave stood against him when he entered the armed forces and such charge was not repaid by him, he should likewise be charged with such overdrawn leave.

5. *Credit for military service for civilian retirement purposes.*—Periods of honorable service in the Army, Navy, Marine Corps, Coast Guard, and Public Health Service of the United States shall be included in computing aggregate service for civilian retirement purposes. However, for civilian retirement purposes (a) employees eligible for and receiving retired pay on account of military or naval service, shall not be credited for the period of service upon which retired pay is based; (b) employees eligible for and receiving a pension on account of non-service-connected disability under the laws administered by the Veterans' Administration shall not be credited for the minimum period of service necessary to entitle him to the pension; and (c) employees eligible for and receiving a pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, shall be credited for all honorable military or naval service. In addition, credit for only 6 months in each calendar year of service in the United States Maritime Service (merchant marine) is included in computing aggregate service for civilian retirement purposes.

6. *Credit for military service for total service in reduction in force.*—In all cases credit for military service is given in computing total service for reduction in force, except that only 6 months of each year's service in the merchant marine is included in computing total service for reduction in force.

EMPLOYEES WITH REEMPLOYMENT BENEFITS UNDER CIVIL-SERVICE REGULATIONS (OTHER THAN MANDATORY RESTORATION)

1. War service appointees.—Persons who receive original appointments under the war service regulations are “temporary” within the meaning of section 8 of the Selective Training and Service Act of 1940, as amended, and are therefore not required to be restored to their former positions under that section of the Act upon being discharged from military service. However, a war service appointee, discharged from active military or naval service prior to the termination of the war, may be reemployed under War Service Regulation XIII.⁴ Such reemployment entitles the war service appointee to substantially the same reemployment benefits as are provided for permanent employees under the Selective Training and Service Act of 1940, as amended, with the following exceptions:

a. Retention without discharge for one year after restoration, except for cause, in the position to which restored.

A war service appointee will not be required to be retained in employment beyond the limitation placed upon his original appointment.

b. Within-grade promotions.

A war service appointee is not entitled to credit for military service toward within-grade promotions. A decision of the Comptroller General, B-46335, dated January 3, 1945, based on an opinion of the Attorney General that war service appointees are “temporary” within the meaning of section 8 of the Selective Training and Service Act of 1940, as amended, states that since war service appointees are reemployed under War Service Regulation XIII, and not under section 8 of the Selective Training and Service Act, they are thereby not entitled to credit for military service toward within-grade promotions.

War service appointees whose appointments are limited to one year or less are not entitled to any reemployment benefits.

⁴ Civil Service Acts, Rules, and Regulations—War Service Regulations.

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QUESTIONS AND ANSWERS

1. Question.—Is an employee who was appointed pending certification and separated to enter the armed forces entitled to reemployment rights?

Answer.—Such an appointment is considered temporary and hence, the employee is not entitled to reemployment rights.

2. Question.—A discharged veteran (Employee A) applies for return to his former position. The following circumstances exist: Employee B has been appointed under War Service Regulations to the position subject to the return of the employee in military service. He has no retreat within the Department. The volume of work has increased to such an extent that it has been necessary to appoint two additional employees for identical work and place them in newly established additional-identical positions. These employees will be called C and D. C was appointed several months later than B, and D was appointed several months later than C. B was placed in the first additional-identical position. Will he automatically be separated or will a separation register be set up and the person lowest on the register be separated, D in this instance? If a separation register is necessary, should other employees in the same area of competition in other similar jobs be included?

Answer.—Inasmuch as B was appointed originally to the position, and has no retreat position to which he could be reassigned or demoted, reduction-in-force procedures are required and all employees within the same area of competition in other similar jobs would be in competition.

3. Question.—Where an employee is appointed subject to the return of another employee from military furlough and is himself called to military duty, should the latter employee be separated or placed on furlough and should more than one employee be considered for reemployment in a particular position?

Answer.—Where an employee is appointed subject to the return of another employee from military furlough and is himself called to military duty, the latter employee should be placed on military furlough from a position additional-identical to the original position if he has no retreat position, and the original incumbent has prior claim to the position. Subsequent incumbents should have reemployment rights to the position only until such time as the original incumbent is restored to duty.

4. Question.—Should not the question of funds be considered in filling positions in any bureau or office that has men in the service? That is, even though a new appointee is not necessarily filling the job or doing the work of one in the same group who is in the military service, would it not be appropriate to make such new appointment

subject to the return of the employee from military furlough in order that funds may be earmarked for the returning veteran?

Answer.—There is no necessity for earmarking funds or limiting tenures of new appointments for such purpose inasmuch as reduction-in-force procedures would be applied at time of return of employee in order to create suitable vacancies.

5. Question.—Distinguish between permanent and temporary positions as interpreted by the Selective Training and Service Act and the War Service Regulations.

Answer.—A permanent position is any position (either civil-service or non-civil-service) other than war service, of more than 1 year in tenure. A temporary position is a war service position or a position of 1 year or less in tenure. War service appointees are entitled to reemployment rights (except credit for military service toward within-grade promotions) that do not extend beyond the time limitations of their appointments.

6. Question.—If the returning veteran was serving under war service appointment at the time of military furlough, are we obligated to restore him to duty?

Answer.—Yes, if there are vacancies or other war service appointees. If there are no vacancies, no career employee shall be displaced to restore him, but he may displace another war service appointee. He is not required to be retained in employment beyond the limitation of original appointment.

7. Question.—What will be the status of an employee on military furlough whose original appointment was for the duration of the war and 6 months thereafter, when the war is over and 6 months have elapsed and the employee has not applied for restoration to duty?

Answer.—War service appointees have no right for retention in their positions beyond the original limitation of their appointments.

8. Question.—May the Department contribute to payment of special military leave granted to employees by a State or cooperating agency in the case of a cooperatively-controlled employee whose salary is jointly paid by the Department and the cooperating agency?

Answer.—If the special military leave is accorded by means of an amendment to the leave laws of the State, there is no legal objection to the Department's assuming the proportionate share of the cost as reflected in the regular salary payments for the period of leave.

9. Question.—If a cooperative employee, who during the year is under Federal control for part of the time and under State control for the remainder of the time, enters the active military service while under the supervision and control of the State or other cooperating agency, is he entitled to payment, concurrently with military service, for accrued annual leave earned during his service under the supervision and control of the Federal Government?

Answer.—No. While he is under the supervision and control of a State or other cooperating agency he may not be regarded as an employee of the United States within the meaning of the Act of August 1, 1941, as amended.

10. Question.—Are employees who are employed under letter of authorization each year for one season, permanent or temporary within the meaning of section 8 of the Selective Training and Service Act?

Answer.—They are temporary employees.

11. Question.—Does the fact that an employee who otherwise would have reemployment rights under the Selective Training and Service Act was serving a probationary or trial period at the time he left his position to enter the armed forces have any effect on his reemployment rights?

Answer.—No. Such an employee must be restored and must be given an opportunity to complete his probationary or trial period after restoration. If such an employee is restored under the provisions of the Selective Training and Service Act, and satisfactorily completes his probationary or trial period, he cannot be removed within the year following his restoration, except on the basis of charges of misconduct or delinquency. However, his right to retention for one year is conditioned upon satisfactory completion of his probationary or trial period.

12. Question.—A discharged veteran originally employed on a seasonal job makes application for restoration during a slack season when he would ordinarily have been on seasonal furlough. Should the employee be restored to duty and carried in a furlough-without-pay status until the regular resumption of the seasonal activity? If such an employee were to object to being carried in a furlough-without-pay status, would it be necessary to use regular reduction-in-force procedures, thereby displacing another employee to return the veteran to active duty?

Answer.—If the veteran had been working and would normally have been placed on furlough without pay during the slack season, he should be restored to his job and simultaneously placed on furlough without pay until the regular resumption of the seasonal activity and he would have no rights for immediate restoration to active duty.

13. Question.—Are employees who are appointed for indefinite periods, although they work only during the summer or other season, permanent employees within the meaning of section 8 of the Selective Training and Service Act?

Answer.—Yes.

14. Question.—An employee is furloughed for military training and service from the Department of Commerce. This employee does not make application within 90 days to the Department of Commerce but applies within the 90-day period to the Department of Agriculture. Do the same rights as specified under the Selective Training and Service Act of 1940 adhere to this employee as they would had he been restored to the Department of Commerce? It is, of course, assumed that civil-service authority has been obtained to restore the employee to the Department of Agriculture. What would be the answer to the above question if the employee did not apply for a position in the Federal service, but went directly to private industry?

Answer.—The employee does not have to be restored to the Department of Agriculture inasmuch as he was furloughed from the Department of Commerce. However, if he is restored, the same rights adhere to this employee as they would have had he been restored to the Department of Commerce. However, if the employee did not apply for a position in the Federal service within the 90-day period but went directly to private industry of his own choice, he loses all reemployment rights.

15. Question.—Which agency has the obligation of reemploying a returning veteran (a) who transferred with reemployment rights from the Department of Agriculture to the War Department, and who left the War Department to enter the armed forces or (b) who transferred with reemployment rights from the Department of Interior to the Department of Agriculture and who left the Department of Agriculture to enter the armed forces?

Answer.—(a) At the option of the returning veteran and subject to his meeting the provisions of section 8 of the Selective Training and Service Act, as amended, either department in either case. This does not relieve either Department of reemploying him at his request. The veteran may be reemployed in either Department without the approval of the other Department. However, if the veteran (a) is reemployed in the Department of Agriculture, the Department of Agriculture should notify the War Department in order that his name may be removed from their rolls. If the veteran (b) is reemployed in the Department of Agriculture, the Department of Agriculture should notify the Department of Interior in order that his name may be removed from the latter's rolls.

16. Question.—What reemployment rights has a veteran who transferred with reemployment rights and who entered the armed forces from the activity to which transferred?

Answer.—If he meets the provisions of section 8 of the Selective Training and Service Act, as amended, he has reemployment rights to the position from which he transferred as well as to the position to which he transferred.

17. Question.—What are the reemployment rights of an employee who transferred to another federal agency or public or private enterprise by war service transfer with reemployment benefits and who subsequently enters military service from a position to which he was transferred?

Answer.—Upon discharge from military service, the veteran may elect to return either to the department or the agency to which transferred. If he elects to return to the Department directly, he would be exercising military rather than civilian reemployment rights. However, if he elects to return to the agency from which he entered military service, this would cancel his military reemployment rights with the Department. He does, however, retain his civilian rights.

18. Question.—What are the rights of a former employee who resigned his position to enter the armed forces requesting that his resignation be accepted and indicating a desire not to be formally placed on military furlough? Is his situation any different than that of a former employee who is placed on military furlough?

Answer.—The reemployment rights of an employee who resigns to enter the armed forces after May 1, 1940, are the same as those of an employee who is placed on military furlough.

19. Question.—If an employee resigns his civilian position to enter military or naval service, how much time may elapse between the effective date of his separation and entry into military or naval service without depriving the employee of reemployment rights?

Answer.—If he meets the provisions of section 8 of the Selective Training and Service Act, as amended, he has reemployment rights if he left to enter the armed forces. Whether he did so, is a fact to be determined on the basis of the individual circumstances. The returning veteran should be given the benefit of the doubt in this respect.

20. Question.—Are not all the rights granted employees on military furlough, including within-grade promotions, promotions at higher grades based on seniority, etc., contingent upon the employee's meeting conditions for restoration? If this is true, should any formal record be made of the changes in the furloughed employee's status while he is on furlough?

Answer.—Yes, they are all contingent upon meeting conditions for mandatory restoration. It is the policy of the Department not to effect status changes with respect to employees while on military furlough, but to make the necessary adjustments at the time of their return.

21. Question.—"A" the assistant chief of the section is furloughed for military service. Shortly thereafter, B, chief of that section is also furloughed for military service. C a unit chief in that section is promoted to B's position as section chief. If A, the assistant chief, was not on furlough he might have been promoted to B's position as chief of the section. If B, the chief of the section, who is on military furlough does not return, can A when he returns make any claim for promotion to B's position as chief of the section or does C have prior claim to this position?

Answer.—No, C has prior claim to the job.

22. Question.—Where an employee's service in a specific line of work is interrupted by military service and during several years in the armed forces he has attained no additional qualifications in the particular line of work, and during his absence, as a result of increased responsibilities having been delegated to his former position, the position was allocated upwards by one or more grades although still retaining the same title such as head of section, does the bureau have a responsibility to restore the former employee to the higher grade position, if the former employee's position has been abolished?

Answer.—No. Under the circumstances, it is a new position and his rights for restoration would extend only to his former identical position or one of like seniority, status, and pay.

23. Question.—An employee, at the time he entered the active military service, had been in leave without pay status in excess of thirty days, but less than one year. Can any of that period of leave without pay be included in the service for within-grade promotions

if the employee meets all conditions for mandatory restoration and is restored?

Answer.—Yes. Thirty days of such period of leave without pay may be counted in computing the waiting period for within-grade promotions.

24. Question.—If, at the time of entrance into military service, the employee is on leave (either with or without pay) to carry on his education, can his reemployment rights be extended beyond the 90-day limit if he wishes to continue his education after his discharge from military service?

Answer.—No, his legal reemployment rights cannot be extended beyond 90 days, but he may be granted leave without pay (at the present time) for one year. If it is justified, this period of leave without pay can be extended. To do this, the veteran must be restored to his job simultaneously with being placed on leave without pay.

25. Question.—A paper transfer of an employee's official station was made while he was on furlough from his position to perform active military service. What is the effective date of the transfer within the meaning of section 12 of Executive Order 8588, as amended, issued pursuant to the Act of October 10, 1940, authorizing shipment of household goods upon transfer of official stations to be made within 6 months of such effective date?

Answer.—The effective date is the date the transfer is consummated by the employee's entrance on duty at the new station upon reemployment after military service in accordance with section 8 of the Selective Training and Service Act, 1940, and the employee would have 6 months from the date of his reemployment to effect shipment of his household goods at government expense.

26. Question.—If an employee had an unsatisfactory efficiency rating at the time he was furloughed or separated to enter the armed forces, must he be restored to duty?

Answer.—The right of an employee returning from military service to be restored to his former position or to an equivalent one is not affected by the fact that he was subject to dismissal on the basis of an unsatisfactory rating at the time he entered military furlough. Such action may be instituted after his restoration to duty and pay status in his former position or an equivalent one. However, he shall not be demoted or separated within 90 days after restoration. The determination as to whether demotion or separation shall be effected will then be based on an official special efficiency rating. He is given the same rights to appeal his efficiency rating as were available to him before he was furloughed. If the dismissal was subject to the approval of the Civil Service Commission prior to his furlough, it will be subject to the same requirements upon the termination of his military furlough.

27. Question.—If a veteran who returns to work is indebted for advanced annual or sick leave, must he refund the advance at the beginning of the calendar year that follows?

Answer.—In this respect, the veteran is considered as any other employee and must refund the overpayment at the beginning of the calendar year.

28. Question.—Can an employee on active military duty who elected to be paid and was paid pursuant to the Act of August 1, 1941, as amended, for his accrued annual leave concurrently with military service, refund the amount paid in order to have the leave remain to his credit?

Answer.—No. When the employee elected to be paid and was paid for his accrued annual leave, he exhausted his right of election under the Act of August 1, 1941.

29. Question.—Can an employee in the active military service be paid for his accrued leave at any time, upon the filing of an application therefor while in the active military service, even though he may have previously requested that such leave remain to his credit until his return from military service?

Answer.—Yes.

30. Question.—An employee, after entering the military service but prior to the time he applied for payment for his accrued annual leave pursuant to the Act of Aug. 1, 1941, as amended, had received a within-grade promotion and the leave period, which must be counted as beginning with the day following the last day of active civilian service, had expired before the compensation increase became effective. At what rate is compensation of leave payable?

Answer.—Compensation for leave is payable at the same rate the employee was receiving when he entered the military service.

31. Question.—An employee who is 38 years old or over is told by the military authorities that he may be released from military service if he obtains work in an essential industry and if he obtains a letter from a prospective employer asking that he be released for employment. The employee asks for such a letter from his former agency, the Department of Agriculture. What is the policy of the Department with respect to requesting a release from the armed forces for such employees?

Answer.—The former employee should request the release through military channels. It is not the policy of the Department to do so. A statement may be given the employee, for attachment to his discharge request, to the effect that he will be reemployed by the Department if released. This statement should describe the position in which he will be reemployed.

32. Question.—A veteran was released from the army to engage in farm work. He cannot return to his former position unless he becomes subject to reinduction. What is his status at the close of the war? Should he be continued in a furlough or leave without pay status?

Answer.—He may be restored from military furlough with civil service authority and simultaneously placed on war transfer leave without pay, or the bureau may simultaneously return him from military furlough and place him on leave without pay. In either case the veteran would have civilian rather than military reemployment rights, with mandatory retention rights of one year, beginning with the effective date of leave without pay.

33. Question.—Does the veteran have the right to apply for his position within 90 days and ask for additional leave without pay to

accept a position in essential war work or a war plant for a temporary period?

Answer.—No. If the veteran has been released from the armed forces on condition that he accept a position in an "essential activity" he should be advised that government employment is classified as essential and he should, therefore, return to his former position.

34. Question.—If a veteran was discharged from military service contingent upon employment in essential industry, is he entitled to the government position from which he was furloughed?

Answer.—If the veteran is discharged from military service for employment in essential industry, he is entitled to all the rights that would otherwise come to him provided that he meets the requirement for eligibility. In such cases the veteran should be advised that government employment is "essential" and that he is eligible to be returned to his former position.

35. Question.—An employee of the Department on military furlough without pay is released by the army for the specific purpose of accepting employment with an essential private industry. This employee enters on the rolls of the private concern without having the transfer authorized by the Civil Service Commission. What are his reemployment rights in the Department of Agriculture?

Answer.—He has 90 days from the date of release from the army to apply for restoration to duty in Agriculture, and application may be made during that period even though he is in the employ of the private concern. If he fails to make application within 90 days, he may be separated by Agriculture. If he makes application within 90 days and is instructed by the Department to report to duty, but fails to do so, within 30 days of the date of such instructions, he may be separated any time after expiration of the 30-day period.

36. Question.—An employee of the Department on military furlough without pay is released by the army for the specific purpose of accepting employment in an essential private industry, and is transferred direct to the private concern under authority of the Civil Service Commission. What are his reemployment rights?

Answer.—Before the Civil Service Commission authorizes such a transfer, it notifies the Department and asks for a release. If the release is granted, or if the Civil Service Commission overrides the Department's objections, the transfer to the private concern is authorized with *civilian reemployment* rights in the Department of Agriculture.

37. Question.—Can an employee who was inducted or enlisted in the Army or Navy and thereafter placed on inactive duty without pay as a member of the Reserve, be employed in a civilian position?

Answer.—Yes. He may be employed in a civilian position and receive the compensation thereof during the period of such inactive reserve status.

38. Question.—Do employees of the Department while in the military or naval service of the United States have a status under the Retirement Act?

Answer.—Not by reason of their military or naval service. However, any employee having a status under the Civil Service Retirement

ment Act who enters military or naval service retains his status under the Retirement Act as long as his name is carried on the rolls of the Department in a furlough or leave without pay status.

39. Question.—Can the veteran demand that the administrative officer consider unusual circumstances that occurred after discharge to prevent his application from being received within 90 days?

Answer.—Under the provisions of the law, a veteran must make application within 90 days of discharge in order to be entitled to restoration. If the veteran appears after the 90-day period and can produce proof of notification by mail or telegraph that he had made application within the stipulated time, or if there is reason to believe that a letter which he had sent had been misrouted or misdirected and had not been received at the proper office, he may be considered as having applied within the 90-day period for reemployment purposes. If the veteran cannot produce sufficient proof that he made application within 90 days, he would not be entitled to mandatory restoration. However, notwithstanding his ineligibility for restoration, the agency may, in its discretion, reemploy him within one year after his discharge, without securing the prior approval of the Civil Service Commission.

40. Question.—If a veteran is hospitalized immediately following discharge, for how long a period will he be eligible to apply for restoration to duty?

Answer.—For 90 days following period of hospitalization which is not to exceed 1 year.

41. Question.—Must the veteran make application in writing for restoration to his former position?

Answer.—The veteran need not make application in writing. However, if he makes application in person or by telephone call, or if another person whom he has authorized notifies the office, he should be requested to confirm the application in writing for the record.

42. Question.—If an appointing officer feels that after proper physical examination an employee is not qualified to perform his former duties and that it would be hazardous to him and to his fellow workers to permit the veteran's return, but the veteran insists that he can do the job and that he will accept no other position, where does the final authority rest whether the veteran should be restored?

Answer.—The appointing officer has the authority subject to review by the Director of Personnel. The decision will be based on Civil Service Commission Form 2413 or other medical certificate or on any other authentic evidence which may be acceptable.

43. Question.—A veteran with a visible handicap reports for duty and there is some question as to his ability to fulfill the requirements of his former position and it is believed that a physical examination is in order. Should the veteran assume the expense of the examination?

Answer.—No. The Department is authorized to bear the cost.

44. Question.—What proof must the veteran submit that he was discharged under conditions that entitled him to restoration to duty?

Answer.—The veteran in the case of employees who have served in any branch of the armed forces must present an honorable discharge or its equivalent. In the case of a former employee who has served in the merchant marine, he must present a certificate of service certifying that he has completed a period of substantially continuous service in the merchant marine.

45. Question.—In the case of an employee furloughed from an obsolete position who is not qualified for an existing position at the same or higher grade (a) should a transcript of his record be referred to the Office of Personnel so that he may be considered for transfer to some other bureau while he is still in the armed forces and (b) if when he applies for restoration the condition outlined above still exists in the organization, does the requirement that he be returned to duty within 30 days still apply?

Answer.—(a) No. By the time the employee returns, the bureau may be able to place him. (b) Yes.

46. Question.—If a veteran applies within 90 days of discharge and otherwise meets the requirements of mandatory restoration, how soon must he be restored to duty?

Answer.—He must be restored to duty within 30 days of the date of his application unless he requests and is granted a period of leave without pay beyond that time.

47. Question.—A former employee, meeting all conditions for mandatory restoration under section 8 of the Selective Training and Service Act, 1940, was not reemployed, due to administrative delay, until after the expiration of the 30-day period from the date of application. Can he be reccredited for leave due him under such conditions?

Answer.—Yes. Annual leave and sick leave to his credit on entry into active military service, subsequent to May 1, 1940, for which no payment was made under the Act of August 1, 1941, as amended, may be reccredited to him in the position in which reemployed.

48. Question.—A former employee, meeting the conditions prescribed in section 8 of the Selective Training and Service Act, 1940, due to administrative procedure was not restored to his former position until after the expiration of the 30-day period after the date of application. What period of time can be counted as service in computing length of service for within-grade promotions?

Answer.—All the military or naval service, but not more than 30 days' non-pay status time of the period when not in federal pay status between the military or naval service and civilian service, may be counted for length of service for within-grade promotions.

49. Question.—If a returning veteran who has met all conditions for mandatory restoration, solely for personal reasons, refuses or delays in accepting reemployment, is there any effect on any of his reemployment rights?

Answer.—Yes. He loses his right to count his active military or naval service in computing length of service for within-grade promotions under the Act of August 1, 1941. He also loses the right to recredit of annual or sick leave to his credit.

50. Question.—In what order does the responsibility for reemployment of veterans rest upon agencies of the Department?

Answer.—The responsibility for the reemployment of veterans rests upon agencies in the Department in the following order:

- (1) Subdivision or region of bureau where the veteran was last employed.
- (2) Administration, bureau, or office where the veteran was last employed.
- (3) The Department of Agriculture.

No agency in a higher level will assume that responsibility until convinced that the agency in the lower level has exhausted its resources and is in fact unable to reemploy the veteran.

51. Question.—Who has the primary obligation of restoring the returning veteran to employment with all rights to which he is entitled under each of the conditions listed below—

- a. If the functions of his unit have been abolished.

Answer.—The subdivision or region in which he was last employed.

- b. If the functions of his unit have been transferred to another bureau.

Answer.—The bureau which has taken over the functions.

- c. If the bureau in which he was last employed was abolished.

Answer.—The Department of Agriculture.

- d. If his bureau has been absorbed into or merged with another bureau.

Answer.—The bureau which has absorbed his old bureau or which has resulted from the merger.

- e. If his agency has been abolished and its functions have been transferred to an existing or successor agency.

Answer.—The department or agency which has taken over the functions.

- f. If his agency has been absorbed into or merged with another agency.

Answer.—The agency which has absorbed his old agency or which has resulted from the merger.

- g. If his agency has been abolished and all or part of its functions have been transferred to different departments.

Answer.—The department or agency which has taken over the functions of the organizational unit in which he was employed or the duties performed by the employee in his former position.

52. Question.—A discharged veteran applies for restoration at a station in a different city from which he was furloughed. If there is a vacancy at the station the employee was furloughed from (station A) but none at the station to which he desires to return (station B), would the Department be required to make a place for him at station B? (The need for a statement on administrative responsibility in working with the employee to place him in a position desirable to him is indicated by this question. This statement might also embrace cases where physical disabilities make it difficult for the veteran to adjust himself to his assignment.)

Answer.—No, but every effort should be made to meet the veteran's preference as to location.

53. Question.—A veteran returns from military duty and requests restoration to his former position. His supervisor informs him that the position is satisfactorily filled by a successor and he does not wish to reinstate him (the veteran) in his former position but offers him an identical position in another office some 50 miles distant. The veteran protests indicating that he has a home and family in the city in which his former position was located and it will result in a hardship on him to accept the other position. What is the proper action to take?

Answer.—The Department's policy states that the law shall be interpreted liberally in favor of the veteran. Unless the veteran is restored to his former position the law will be interpreted liberally in favor of the nonveteran. An arbitrary decision would not be a liberal interpretation. However, if sound and bona fide reasons for such a decision exist for placing the veteran at a new location such action would be in order and a record of such reasons should be made.

54. Question.—What position should the veteran be returned to when his former position has been abolished?

Answer.—If there is a vacancy in the same line of work and at the same grade level, he should be restored to such vacant position. If there are no vacancies and there are positions of the same grade and salary level in the same line of work or for which he possesses the necessary qualifications, reduction-in-force procedures will be required to make available a position to which he can be restored.

55. Question.—If an employee returns from military furlough to a position which has been abolished (individual position or project abolished) and there is no suitable position within the bureau to which the person can be returned, what will be the procedure to have him considered for a position within the Department?

Answer.—When all efforts have been made to place the veteran within the bureau and no position is available, the case should be referred to the Central Office of Personnel.

56. Question.—If a position to which an employee on military furlough has reemployment rights is abolished, and there is no position of like seniority, status, and pay to which he can be restored, what obligation has the agency to train the returning employee for another position in the agency?

Answer.—All possibilities of restoration to a position of like seniority, status, and pay, or to another position which the veteran desires to accept, should be exhausted, in the order of responsibility for reemployment which ranges from the subdivision or region of a bureau to the administration, bureau, or office, and, finally to the Central Office of Personnel, before an effort is made to place the veteran in a position other than one of like seniority, status, and pay. When and if all such possibilities are exhausted, there remains no legal obligation on the part of the Department to place him in another position. However, it is the policy of the Department to give the veteran preference in filling vacancies for which he is qualified, and

to give him reasonable training in the duties of the position in which reemployed.

57. Question.—Should the training and experience which an employee received while in military service be considered when placing him in a position upon his return?

Answer.—While there is no legal obligation to consider the veteran for other than his former position or one of like seniority, status, and pay, the policy of the Department states that "consideration should be given wherever possible to new skills, increased maturity of judgment, and personality development, and new leadership experience acquired by the veteran while in the armed services."

58. Question.—A veteran is restored to his former position; his supervisor being disturbed at his unproductiveness calls him into the office and during the interview, ascertains that the veteran is no longer interested in the work he formerly performed but, as a result of experience acquired in military training, is interested in a different type of work which is a function of the same bureau. In the interest of the employee and the bureau, what action should the supervisor take?

Answer.—If vacancies exist in the work desired, and the employee can qualify, the supervisor should make arrangements for the employee to be transferred to a position more commensurate with his training and interests.

59. Question.—May a returning veteran who has been reemployed under section 8 of the Selective Training and Service Act be discharged for cause within 1 year following his restoration to duty?

Answer.—Yes. Subsection (c) of section 8 of the act provides that the veteran "shall not be discharged from such position without cause within one year after such restoration."

60. Question.—What are the reasons which warrant discharge "for cause"?

Answer.—The following are among the reasons which are regarded as sufficient to warrant discharge "for cause"; (a) An efficiency rating of "unsatisfactory" in performing the duties and responsibilities of his position; (b) physical or mental unfitness for the position to which restored; (c) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (d) intentional false statements as to any material fact, or deception or fraud in securing reemployment; (e) refusal to furnish testimony as required by Civil Service Rule XIV; (f) habitual use of intoxicating beverages to excess; (g) a reasonable doubt as to the employee's loyalty to the Government of the United States; (h) any legal disqualification for reemployment; and (j) delinquency or misconduct.

61. Question.—Can employees having veterans' preference be discharged, suspended for more than 30 days, furloughed without pay, or reduced in rank or compensation?

Answer.—Yes, but such employees must have at least 30 days' advance written notice of the proposed adverse action (except where there is reasonable cause to believe the employee is guilty of a crime for which a sentence of imprisonment can be imposed). The advance

written notice must state reasons, specifically and in detail, for such proposed action.

62. Question.—Must the employee be permitted to remain in duty status for the 30-day period?

Answer.—Yes, except in certain cases. The advance written notice, which is required when a proposed adverse action is sought, shall be submitted to the employee at least 30 days before the effective date of such proposed action, and during such 30-day period the employee shall continue in an active-duty status (but in cases of furlough without pay due to unforeseeable circumstances such as sudden breakdowns in equipment or acts of God, advance notice shall not be necessary.) In exceptional cases where the circumstances are such that the retention of the employee in an active-duty status during the 30-day period may result in damage to Government property, would be otherwise detrimental to the interests of the Government, or would be injurious to the employee, his fellow workers, or the general public, and the employee cannot during such period be temporarily assigned to duties in which these conditions would not exist, he shall be placed on annual leave provided he has sufficient annual leave to his credit to cover the required period and otherwise suspended for such period or periods during the 30 days as the circumstances warrant; provided that a certificate is filed by the administrative officer in the records of the employing agency setting forth the specific circumstances in such exceptional cases. The reasonableness of such exceptions including suspensions will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision reached by the administrative officer.

63. Question.—Can a veterans' preference employee who has been suspended for 30 days or less pending investigation be kept in such status for a period of more than 30 days by extension of the original suspension?

Answer.—No. Such an employee must be restored to duty at the end of 30 days and continued in active-duty status. To suspend an employee for more than 30 days for any purpose he must have 30-days' advance written notice of the proposed suspension and must be retained in active-duty status during the notice period. However, in the exceptional cases where his retention in an active-duty status would be detrimental to the interests of the Government, injurious to the employee, his fellow workers, or the general public, and the employee cannot be temporarily reassigned to duties where these conditions would not exist, he may be placed on annual leave, provided he has sufficient annual leave to cover the required period, and otherwise suspended for such period or periods during the 30 days as the circumstances warrant.

64. Question.—Does the 30 days' advance-notice requirement apply to suspensions pending investigation as well as to disciplinary suspensions?

Answer.—Yes. It applies to all suspensions of more than 30 days, but advance notice is not required to withhold payment of salary to an employee for a past period of an unauthorized and unexcused absence.

65. Question.—Does the 30 days' advance notice requirement apply to a proposed separation or demotion of an employee on the basis of an unsatisfactory efficiency rating?

Answer.—Yes. The employee shall be given advance notice in writing of the proposed action at least 30 days before the effective date, and the notice shall inform the employee of his right to answer within a reasonable time and to object to the proposed action, and show cause why it should not be taken.

66. Question.—Does the 30 days' advance notice affect the right of an employee to an appeal for a review of his efficiency rating, which all employees have?

Answer.—No. The employee also has his right to appeal to a Board of Review.

67. Question.—Who will prepare and issue the 30 days' advance written notice of the proposed adverse action?

Answer.—The Director of Personnel.

68. Question.—Is the employee entitled to a reasonable time for answering personally and in writing the notification of the proposed adverse action and for furnishing affidavits in support of his answer?

Answer.—Yes. The reasonable time required shall depend on all the facts and circumstances in each case and shall be sufficient in all cases to afford the employee ample time to prepare answers and secure affidavits.

69. Question.—When must an adverse decision, following notification of proposed adverse action, be submitted to the employee?

Answer.—Prior to or on the effective date of the action.

70. Question.—What must the written notice of adverse decision contain?

Answer.—(a) Any and all reasons, specifically and in detail, for the adverse decision, and (b) a statement of the right of the employee to appeal the decision to the United States Civil Service Commission.

71. Question.—Does the submission of an appeal to the Civil Service Commission from a decision removing, suspending for more than 30 days, or demoting an employee, for misconduct operate as a stay of the adverse action?

Answer.—No.

72. Question.—When must an appeal from an adverse decision be filed?

Answer.—An employee may, as a matter of right, appeal to the Civil Service Commission immediately or within a reasonable time thereafter (30 days from the date of receipt of notice of an adverse decision shall be considered a reasonable time to prepare and submit an appeal).

73. Question.—Does the appellant have the right to a personal hearing before the Civil Service Commission after his appeal has been filed?

Answer.—Yes. The appellant shall have the right to appear personally, or through or accompanied by his designated representative,

in connection with his appeal, if he has expressed the desire for such a personal appearance.

74. Question.—Is an employee having veterans' preference entitled to 30 days' advance notice if the proposed adverse action involves a suspension from duty without pay for 30 days or less?

Answer.—No.

75. Question.—Can a veterans'-preference employee, while serving his probationary or trial period (1) be discharged without the preferment of formal written charges and the 30 days' advance notice or (2) be suspended for a period in excess of 30 days, or reduced in rank or compensation, without the 30 days' advance notice?

Answer.—Yes. Employees having veterans' preference, to be entitled to the privileges accorded by section 14 of the Veterans' Preference Act of 1944 with respect to suspensions, removals, reductions in rank, etc., must have completed a probationary or trial period.

76. Question.—May a returning veteran who is receiving retirement pay on account of military service, be restored to duty without regard to the dual-compensation act?

Answer.—Except for disability incurred in combat with the enemy or from an explosion of an instrumentality of war in line of duty, the rate of compensation for civilian service when combined with the rate of retirement pay may not exceed a rate of \$3,000 per annum on basic pay only.

77. Question.—May a returning veteran who is drawing compensation from military service-connected disability be restored to duty without regard to the dual-compensation act?

Answer.—If disability was incurred in combat with the enemy, or from an explosion of an instrumentality of war in line of duty, he may be restored without regard to the dual-compensation act.

78. Question.—Does the limitation of \$3,000 on the combined rate of retired pay and annual compensation from a civilian position include the overtime compensation?

Answer.—No. The limitation of \$3,000 on the combined rate of retired pay and annual compensation from a civilian position includes only the basic compensation of the civilian position, plus the retired pay, and therefore the overtime compensation provided by the Act of December 22, 1942, may be paid such personnel even though such payment may increase the combined compensation to a rate in excess of the \$3,000 limitation.

79. Question.—Is it a violation of the dual-compensation statutes to pay compensation to an employee for sick leave concurrently with the receipt by him of disability compensation for injuries sustained during a period of military service?

Answer.—No.

80. Question.—May a field office not having delegated appointing authority permit an employee returning from military furlough to enter on duty in advance of the date on which formal personnel action returning him to duty is journalized?

Answer.—No, inasmuch as this is a retroactive action.

81. Question.—What action should be taken to return a veteran to duty in Department B if he had left Department A for military service and Department A had been abolished during his service in the armed forces?

Answer.—A request should be made of the Civil Service Commission to authorize reemployment. Identifying data about the former agency and indication of honorable discharge should accompany request.

82. Question.—What procedure must be followed by the returning veteran and by the agency in the event the veteran wishes to attend school under the G. I. Bill of Rights?⁵ Is he still required to apply for his position in 90 days? Must he be returned to duty before being granted leave without pay to enroll in school? What action is necessary to change his status from military furlough to leave without pay?

Answer.—The veteran is still required to apply for his position within 90 days in order to be entitled to mandatory restoration. He can be restored to a leave-without-pay status upon meeting all conditions for mandatory restoration in order to enroll in school.

83. Question.—An employee returning from military furlough wants to take 6 months leave of absence to go to school. May he be granted such leave of absence for such purpose? Must he return to work and work 1 day before going on leave without pay?

Answer.—If he meets the conditions for mandatory restoration, he may be granted leave without pay, which is considered a restoration action within the meaning of section 8 of the Selective Training and Service Act, 1940. He may be granted leave without pay simultaneously with restoration to his job.

84. Question.—A returning veteran has made application for reemployment and is now on leave without pay for the treatment of tuberculosis contracted in the Army. Civil Service regulations provide that a person suffering from tuberculosis cannot be employed until the disease has been arrested for 1 year. How long can the agency carry such an employee on leave-without-pay status and what are his rights as far as restoration to duty is concerned?

Answer.—He may be carried in a leave-without-pay status indefinitely but if he is on leave without pay for more than 1 year, prior approval of the Civil Service Commission is required for restoration to duty.

85. Question.—When does the guarantee of 1 year's employment to a veteran start if the veteran applies for leave without pay prior to entering an active-duty status?

Answer.—The guarantee of 1 year's retention on the rolls (unless discharged for cause) begins from the effective date of the leave without pay.

86. Question.—What is the agency policy and what are the rights of an employee who desires to take leave without pay for personal reasons between military furlough and active-duty status?

⁵ Servicemen's Readjustment Act of 1944. Public Law 346, 78th Congress, ch. 268, 2d sess. (Senate 1767). June 22, 1944.

Answer.—The veteran has a right to request leave without pay, the granting of which is at the discretion of the agency. However, the policy of the Department in such cases will be to grant leave without pay up to 1 year, for training or hospitalization under the G. I. Bill of Rights,⁶ or if it is in the interest of the Department, to grant such leave without pay for other reasons or purposes.

87. Question.—Must the veteran return to an active-duty status in order to take his annual leave, sick leave, or additional leave without pay?

Answer.—The veteran may be restored to a leave-without-pay status upon meeting all conditions for mandatory restoration. However, if the veteran, upon meeting all conditions for mandatory restoration, desires to take annual or sick leave, he must be returned to active duty first.

88. Question.—Who determines whether the veteran is qualified to perform the duties of his position or of any other position to which he might have restoration rights? May a medical examination be required? Who bears the cost?

Answer.—The appointing officer determines whether the veteran is qualified. He may base his decision on Civil Service Commission Form 2413 or other medical certificate or on any other evidence that may be acceptable to him. A medical examination may be required when there is a reasonable doubt. The department or agency is authorized to bear the cost.

89. Question.—If it should be found that a returning veteran is physically unable to perform the duties of his former position or one of like seniority, status, and pay, and provided there are positions in other grades which the veteran could perform, does he have a right to displace employees in such positions?

Answer.—No. Inasmuch as the returning veteran does not meet the conditions for mandatory restoration, the application of reduction-in-force procedures cannot be used to provide a suitable position. However, if there are suitable vacancies, an effort should be made to effect his reemployment to any position for which he is qualified and the duties of which would not be incompatible with the employee's physical handicap.

90. Question.—What is the policy of the Department regarding determining physical ability of returning veterans? Are medical certificates and chest X-rays to be required in questionable cases? (One bureau has an employee being discharged from military service because of spots on his lungs. Should a chest X-ray be required?)

Answer.—The policy of the Department in those cases where there is reason to question the employee's physical condition will be to secure a medical certificate.

91. Question.—What protection does a field employment officer have in reemploying a returning veteran who has an invisible handicap which would render him incapable of performing his former assignment and the supervisor is not advised of the handicap by the veteran?

⁶ See footnote 5, page 36.

Answer.—If after restoration it is apparent that he cannot fulfill the requirements of the position, transfer him to a position he is qualified to fill with or without a demotion; or take action to separate him in accordance with the Department's policy; or, take administrative action such as leave without pay for a period of rehabilitation.

92. Question.—Many returning veterans have not been willing to accept positions comparable in grade and salary to those from which they were furloughed. What is the policy or procedure in such cases?

Answer.—Each case should be determined on its own merits. Establishment of a fixed policy might preclude desirable promotions or might result in undesirable promotions.

93. Question.—What right does a veteran have to be considered for promotion upon return to any position that was filled after he was placed on military furlough?

Answer.—None, but if there is a vacancy in a higher grade for which he is qualified, he should be restored at a promotion.

94. Question.—After restoration to duty, may a veteran be separated on account of reduction in force?

Answer.—A returning veteran who has been restored under section 8 of the Selective Training and Service Act, as amended, may be separated because of reduction in force within one year following his restoration to duty, but not until all other employees in competition with him, except other veterans restored under section 8 serving their first year after restoration, have been separated.

95. Question.—In order to restore a returning veteran it is necessary to evoke the reduction-in-force procedures. The returning veteran displaces a career employee. Will the career employee then be able to displace a war service appointee who is a restored veteran in the next lower grade?

Answer.—Yes.

96. Question.—What should be the area of competition and the competitive factors in determining whether a returning veteran should be promoted to a higher grade position than the one he left when entering the armed forces?

Answer.—Under the present interpretation, there should be no reduction in force involved, since the returning veteran would be promoted only if there were a vacant position.

97. Question.—If an employee returns from military service and the position which he left still exists, but for administrative reasons, it is desired to restore him to another position of like seniority, status, and pay, what procedure should be followed in effecting his restoration (a) if there is a vacancy and (b) if there are no vacancies?

Answer.—(a) If there is a vacancy, the returning veteran may be restored to such vacancy, or, in the discretion of the bureau, another employee may be reassigned to the vacancy, in order to make available a suitable position to which the returning veteran may be restored. (b) If there are no vacancies in the organization, the application of reduction-in-force procedures is required in order to

provide a suitable position to which the returning veteran can be restored.

98. Question.—If, after restoration to duty, a veteran is reached for action on a separation register, what action should be taken?

Answer.—Within a year of restoration, he cannot be reached for action until all others in the same category of competition, except other restored veterans, have been reached. However, if this is the case, reduction-in-force action should be taken. If a career employee, he should be reassigned or demoted to a position occupied by a transitory employee, in lieu of being separated.

99. Question.—What competitive rights should a displaced employee have? (a) Should he not be entitled to compete to hold his present grade without having to revert to his former position? (b) If there are no positions in the area of competition or if the employee after competing in his present grade is displaced, should he not have a further right to compete for lower-grade positions for which he is qualified?

Answer.—(a) No, unless there is a vacant position in his present grade. (b) If he has retreat rights, he will compete in the grade from which promoted within the area of competition from which promoted. If a career employee with classified civil-service status but with no retreat rights, he shall be reassigned to any classified position occupied by a war service appointee for which he is qualified.

100. Question.—What steps need be taken to restore an employee to his original position if the following case exists: Employee C is promoted to a position which is subject to A's return from military furlough and is subsequently promoted from this position to another position which is additional-identical to that of employee B on military furlough?

Answer.—If A has not returned at the time of B's return, C returns to the first position to which he was promoted, which is the position subject to the return of A. If A has returned at the time of B's return, C is retreated to his original position.

101. Question.—An employee, upon his return from active military service, was assigned as a matter of administrative convenience to a new official station, rather than restored to his old station, where his old position still exists although occupied by another employee. May the veteran be paid the expenses of travel and transportation of household effects incurred in connection with his transfer from the old to the new station?

Answer.—Yes.

102. Question.—If the veteran meets all requirements for mandatory restoration, are his rights the same regardless of whether he resigned, was furloughed, or was separated?

Answer.—The veteran's rights, if a career employee, are the same whether furloughed, resigned, or separated if entrance into the armed services was subsequent to May 1, 1940, except in cases of separation for cause.

103. Question.—A former employee was discharged from the army for employment in an essential war industry. He made appli-

cation with his former agency within 90 days but was not available for duty because of work in an essential industry. He later terminated his essential war industry service and was restored to his former civilian position. Can his active military service be counted for purposes of within-grade promotions under the Act of August 1, 1941, and what is the effect on leave to his credit?

Answer.—His active military service may be counted toward within-grade promotion. He may be recredited with leave to his credit on entry into the military service for which no payment was made.

104. Question.—Is military or naval service performed after final separation from civilian employment creditable for retirement purposes?

Answer.—Such service would be creditable only after return to civilian employment.

105. Question.—What is the basis for crediting military or naval service for retirement purposes where the individual is receiving another benefit?

Answer.—If he is receiving compensation under the Veterans' Administration by reason of service-connected disability this benefit is based upon the disease or injury and not upon the length of service, and the total military or naval service may be credited for civilian retirement purposes. In case a pension on account of service or by reason of non-service-connected disability has been awarded, he may receive retirement credit for all military or naval service except the minimum period (generally 90 days) required for title to the pension. Should the employee be receiving retired pay, none of his military or naval service is available for civilian retirement credit.

106. Question.—Must the veteran be restored to the identical position he left, if it still exists?

Answer.—No. The Selective Training and Service Act of 1940, states: "... if such position was in the employ of the U. S. Government, its Territories or possessions or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status and pay." Sympathetic consideration should be given to the veteran's desires and an effort should be made to meet these desires if such action is consistent with the best interests of the Department.

107. Question.—An employee returning from military service did not apply within the 90-day time limitation because of physical inability to work. Sometime later he applied for his old position. In such a case the bureau terminated his services at a date 90 days from the date of discharge and requested authority from the Civil Service Commission to reappoint him under War Service Regulation VIII. What is the procedure to be followed in such cases?

Answer.—The employee may be reappointed within one year of discharge without Civil Service authority.

108. Question.—If a former employee makes application for re-employment but does not meet the conditions for mandatory restora-

tion, or applies beyond 90 days, or is not physically qualified, will we be obligated to restore him to his former position?

Answer.—Under the Act, the employee is not entitled to rights and benefits to reemployment. However, the Department may consider him as any other applicant and may return such an employee to duty within one year after the date of discharge without securing the prior approval of the Civil Service Commission.

109. Question.—Does the veteran who failed to apply within 90 days from discharge and is subsequently returned to an active-duty status have the same rights and privileges that a veteran who does apply within 90 days has?

Answer.—If the veteran is reemployed, he would not be eligible for any within-grade promotion, nor to any annual or sick leave which had been left to his credit, nor to 1-year retention rights to which he would otherwise be entitled. However, if his discharge from military service was honorable, his period of military service would be creditable for retirement purposes.

110. Question.—What is the status of a veteran for whom Ramspeck status has been recommended if he fails to apply for a position in 90 days and the agency declined to employ him at a later date? (Who initiates action to determine the status of the Ramspeck action and when does an agency renew action on incomplete status cases?)

Answer.—Under a ruling of the Civil Service Commission, persons who were recommended for Ramspeck status but whose cases were held in abeyance because they entered into military service will now be reconsidered by the Civil Service Commission if their names are brought to the attention of the Commission by the bureau from which the employee was furloughed.

111. Question.—If the veteran applies for reinstatement subsequent to the expiration of the 90-day period, can he be restored to an active-duty status without first securing the authority of the Civil Service Commission?

Answer.—Yes, if the application is made within one year from date of discharge.

112. Question.—If an employee presents a dishonorable discharge or a discharge certificate other than honorable, is the agency obligated to reemploy him?

Answer.—No. There may be instances, however, where it is desirable to reemploy persons whose former civilian service had been eminently satisfactory. In such cases an investigation should be made to determine the employee's suitability for reemployment.

113. Question.—If an employee is discharged because of physical or other disability to perform the duties of the position which he left (a) should the agency make arrangements for him to be trained for a position for which he may become qualified and if so (b) how would an agency go about seeing that such training was provided?

Answer.—Legally the Department would not be responsible for placing and training the veteran. However, the Department does have a moral obligation and should arrange for the necessary train-

ing and education, and, if at all practicable, place the veteran in an available position for which he is physically and mentally suited. If such is the case, the veteran may (1) be restored to a trainee position and receive on-the-job training for the new position; or (2), if more practical, arrangements might be made for the veteran to take training at an educational institution; or (3) the training plan might provide for a combination or both (1) and (2). In any event, the veteran would be eligible to receive extra compensation from the Veterans' Administration under Public 16, during the training period.

114. Question.—If we reemploy a veteran who makes application after 90 days of discharge, (a) would he have any prior rights which would displace an employee currently on the rolls, (b) would he have any prior rights for consideration for vacancies, (c) would he have statutory retention rights, be entitled to annual or sick leave to his credit at time of furlough, be entitled to credit for service during military furlough for within-grade promotions, and (d) be entitled to credit for service during military furlough for reduction in force?

Answer.—(a) No, but if he were reemployed he would have veterans' preference and if he is a former career employee he would be reinstated as a career employee and hence he would have benefits of veterans' preference for reduction in force. (b) Under the Starnes Act his veterans' preference would give him prior consideration for appointment over applicants without veterans' preference. (c) No. All conditions for mandatory restoration must be met before the veteran is entitled to statutory retention rights, to sick or annual leave to his credit at time of his military furlough, and to credit for military service for within-grade promotions. However, he is entitled to other benefits of retention to which veterans' preference employees are entitled in reduction in force. (d) Yes. Public Law 359, section 12, states: "In any reduction in personnel in any civilian service in any Federal agency . . . the length of time spent in active service in the armed forces of the U. S. of each such employee shall be credited in computing total length of total service."

115. Question.—Must the veteran be restored to the identical position he left if it still exists and if he is to be reemployed despite application after 90-day period?

Answer.—Only if he meets all conditions for mandatory restoration would he be entitled to the same position or one of like seniority status and pay to the one he left to enter the armed forces.

116. Question.—What procedure must be used in separating veterans who do not apply for restoration to their former positions or a position of like seniority status and pay and from whom no evidence of discharge or death can be obtained?

Answer.—If there is no evidence of discharge or death, the veteran cannot be separated.

117. Question.—There have been instances in which employees have been discharged from military service and have not made application for reemployment or advised the bureau of their discharge from the military service with the result that they have been

continued on military furlough long after they have actually been out of the service. Is there any way in which this situation can be avoided?

Answer.—At the present time there is no provision for the separation of such an employee except on presentation of a discharge certificate. Where it is known that such persons have been discharged and have failed to exercise reemployment rights, an effort should be made to secure a copy of the discharge certificate or other authentic verification of discharge from the employee in order to process a separation.

118. Question.—May a veteran be paid a salary for services performed for the Department of Agriculture while receiving aid under the educational provisions of Public 346 and 16, 78th Congress?

Answer.—A veteran may be paid educational allowance for either on-the-job training, or training after official hours under Public 16 and 346, in addition to such salary or wages he may be paid for services by the Department, provided that the combined amounts do not exceed the classification base rate of the position for which the veteran is being trained. If the combined amounts are in excess, the pensions will be correspondingly decreased. If the training is on-the-job (during official hours), arrangements for training allowance must be made according to the procedures set up by the Veterans' Administration and the Department. Time devoted to part-time or after-hours education is counted the same as full-time against total period for which he is eligible.

119. Question.—What should be done to provide counseling services for those veterans who may wish to take advantage of the benefits available to them?

Answer.—Personnel Officers or others especially prepared should be available for counseling veterans on important matters of adjustment. Obviously, such special services are limited to centers of large concentration of employees and to a relatively few or major problems of readjustment. It will remain for the supervisors of the veterans to aid them with their problems. To do this, the supervisors should be reasonably well informed on the policies of the Department and the sources to which the veterans may be referred to secure information concerning rights and benefits available to them.

AGENCIES WHICH CAN GIVE RELOCATION, READJUSTMENT, OR REHABILITATION ASSISTANCE TO VETERANS

Name	National	State	Local
Adult educational organizations.....			X
American Legion.....	X		
American Red Cross.....	X		
Coordinated Council of Veterans' Assistance.....			X
Church organizations.....			X
Department of public welfare.....		X	
Department of Vocational Rehabilitation.....		X	
Disabled American veterans.....	X		
Employer and labor groups.....			X
Family welfare agencies.....	X		
Local school boards.....			X
Local social service agencies.....			X
Mental hygiene clinics.....			X
Professional societies.....		X	
Selective Service System (local boards).....	X		
Service clubs (Lions, Rotary, etc.).....			X
State civil-service commissions.....		X	
United States Civil Service Commission.....	X(F)		
United States Employment Service.....	X(F)		
University and college guidance bureaus.....			X
University and college placement agencies.....			X
Urban League.....	X		
Veterans' Administration.....	X(F)		
Veterans of Foreign Wars.....	X		
Y.M.C.A., Y.M.H.A., Y.W.C.A., Y.W.H.A.			X

(F) Operated under jurisdiction of Federal Government.

NOTE: The agencies listed above are organized on a national, State, or local basis, and all, directly or indirectly, operate in every community throughout the United States.